

REMARKS

Reconsideration of the Application is respectfully requested.

Prior to this Amendment, claims 1-3, 5, 8, and 26-32 were allowed, claims 4 and 9 were rejected, and claim 4 was objected to for failing to further limit the subject matter of a previous claim.

By this amendment, Applicants cancel claims 4 and 9, leaving only allowed claims 1-3, 5, 8, and 26-32 pending and under Examination. Applicants therefore respectfully request the timely allowance of the pending claims.

Claim Objections

The Office objected to claim 4 under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have canceled claim 4, and this objection is now moot.

Claim Rejections under 35 U.S.C. § 112, First Paragraph

The Office rejected claims 4 and 9 under 35 U.S.C. § 112, first paragraph, written description. (Office Action at page 3.) Applicants have canceled claims 4 and 9, and the rejections are now moot.

The Office also rejected claims 4 and 9 under 35 U.S.C. § 112, first paragraph, alleging that the specification does not enable a nucleic acid molecule encoding a vatE protein derived from SEQ ID NOS: 3, 4, 6, 8, 10, and 12-14. (Office Action at page 4.) Applicants have canceled claim 4, and this objection is now moot.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

The Office rejected claims 4 and 9 under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Claims 4 and 9 have been canceled, and this rejection is now moot.

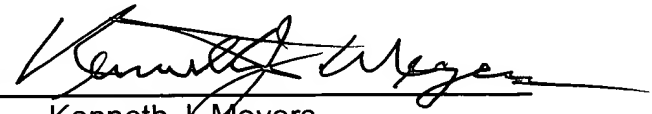
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 9, 2004

By: 
Kenneth J. Meyers
Reg. No. 25,146
Phone: (202) 408-4000
Fax: (202) 408-4400
E-mail: ken.meyers@finnegan.com